

**22IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

Case No. 5:22-00068-BO

YOLANDA IRVING, individually and as the natural parent and guardian of J.I., JUWAN HARRINGTON, CYDNEEA HARRINGTON, KENYA WALTON, individually and as the natural parent and guardian of R.W., ZIYEL WHITLEY, DYAMOND WHITLEY, KAMISHA WHITLEY, and NANETTA GRANT as the natural parent and guardian of Z.G.,

Plaintiffs,

v.

THE CITY OF RALEIGH, Officer OMAR I. ABDULLAH, Sergeant WILLIAM ROLFE, Officer RISHAR PIERRE MONROE, Officer JULIEN DAVID RATTELADE, and Officer MEGHAN CAROLINE GAY, Chief of Police ESTELLA PATTERSON, and City Manager MARCHELL ADAMS-DAVID, in their official capacities,

Defendants.

**INDIVIDUAL DEFENDANTS'
MOTION FOR EXTENSION OF
TIME TO FILE REPLIES IN
SUPPORT OF MOTIONS FOR
SUMMARY JUDGMENT**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendants Omar I. Abdullah (“Defendant Abdullah”), William Rolfe (“Defendant Rolfe”), Officer Rishar Pierre Monroe (“Defendant Monroe”), Officer Julien David Rattelade (“Defendant Rattelade”), and Officer Meghan Caroline Gay (“Defendant Gay”), (collectively “Individual Defendants”), by and through counsel, hereby move the Court for a thirty (30) day extension of time, up to and including July 14, 2023, in which to file Replies in support of their Motions for Summary Judgment. In support of this Motion, Individual Defendants show the Court the following:

1. On March 31, 2023, Defendants Abdullah, Monroe, Rattelade and Gay filed their initial Motions for Summary Judgment, supporting Memorandum, Statement of Material Facts and Appendix [D.E. 202-207, 209-210].

2. Also on March 31, April 1 and April 2, 2023, Defendant Rolfe filed his initial Motion for Summary Judgment, Statement of Material Facts, and supporting Memorandum, respectively [D.E. 208, 211-212].

3. Thereafter, the Court entered an Order on April 3, 2023 [D.E. 213] extending the deadline for dispositive motions through May 1, 2023.

4. On April 4, 2023, prior to the expiration of the deadline for dispositive motions, Plaintiffs filed a motion requesting an extension of time to respond to Individual Defendants' Motions for Summary Judgment, to which Individual Defendants consented [D.E. 214].

5. On April 18, 2023, the Court granted Plaintiffs' motion for extension of time to respond to Defendants' Motions for Summary Judgment, thereby extending the deadline for Plaintiffs to respond to Defendants Motions for Summary Judgment until June 1, 2023 [D.E. 221].

6. On May 1, 2023, Individual Defendants filed Amended Motions for Summary Judgment with supporting materials [D.E. 226-238].

7. On or about May 23, 2023, Plaintiffs and Defendant City of Raleigh reached a tentative agreement on settlement, intended to result in, among other things, releases and dismissals of all claims against the Individual Defendants.

8. Plaintiffs' filed their Memorandum in Opposition to Defendant Omar Abdullah's Motion for Summary Judgment, Statement of Material Facts, and Appendix on May 30, 2023 [D.E. 242-246].

9. Thereafter, on May 31, 2023, Plaintiffs' filed their Memorandum in Opposition to

Defendant Rolfe's Motion for Summary Judgment, Statement of Material Facts, and Appendix [D.E. 253-257], and their Memorandum in Opposition to Defendants' Monroe, Rattelade and Gay's Motion for Summary Judgment, Statement of Material Facts, and Appendix [D.E. 247-252].

10. Pursuant to Local Civil Rule 7.1(g), the deadline for Defendant Abdullah to file a Reply in further support of his Motion for Summary Judgment is June 13, 2023 and the deadline for Defendants Rolfe, Monroe, Rattelade and Gay to file Replies in support of their Motions for Summary Judgment is June 14, 2023.

11. Accordingly, the time for Individual Defendants to reply in support of their Motions for Summary Judgment has not yet expired.

12. The Individual Defendants request an extension of time in which to reply in support of their Motions for Summary Judgment in order to allow for the tentative settlement reached by Plaintiffs and the Defendant City of Raleigh on May 23, 2023 to become final. If the settlement were to become final, it would moot the Individual Defendants' Motion for Summary Judgment.

13. Further, and regardless of the tentative settlement, the undersigned counsel for Individual Defendants would need additional time to review and sufficiently respond to: (1) the 196 "additional material facts in dispute" proffered by Plaintiffs over the span of 28 pages in their 56.1 Statement of Material Facts, and (2) Plaintiffs' 525-page Appendix spread across 4 volumes, including 13 video exhibits.

14. The Individual Defendants request an additional thirty (30) days in which to file their Replies, up to and including July 14, 2023.

15. Pursuant to Local Civil Rule 6.1, counsel has consulted with Counsel for Plaintiffs regarding this Motion and Plaintiffs consent to the extension requested herein.

16. This Motion is made in good faith and not for purposes of delay. No party will be

prejudiced by the requested extension.

17. A proposed Order granting this Motion is submitted contemporaneously herewith.

WHEREFORE, Defendants Omar I. Abdullah, William Rolfe, Officer Rishar Pierre Monroe, Officer Julien David Rattelade, and Officer Meghan Caroline Gay hereby request that the Court issue an Order granting the relief requested herein and extending the time within which Individual Defendants must file Replies in support of their Motions for Summary Judgment by thirty (30) days, up to and including July 14, 2023.

Respectfully submitted, this the 2nd day of June, 2023.

/s/ Jason R. Benton

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this date, the foregoing *“Individual Defendants’ Motion for Extension of Time to File Replies in Support of Motions for Summary Judgment”* was electronically filed with the Clerk of Court using the CM/ECF system and served upon counsel of record via the Court’s electronic case filing system.

This the 2nd day of June, 2023.

/s/ Jason R. Benton

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